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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,670	07/24/2001	Bruce A. Willins	6000.001500/1122	3824
23720	7590	10/05/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			NGUYEN, TOAN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,670

Applicant(s)

WILLINS ET AL.

Examiner

Toan D. Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-3, 5, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoobridge et al. (US 6,326,926) in view of Berliner et al. (US 6,731,908).

For claims 1-2, 18 and 19, Shoobridge et al. disclose in a system for providing wireless data communication using a first protocol (figure 3, col. 7 lines 1-3), said

system having access points (figure 1, references 24, col. 5 line 7) for conducting wireless data communications with mobile units (figure 1, reference 36, col. 5 line 34) using said first protocol (figure 3, col. 7 lines 1-3), a method for conducting communications with an access point (figure 2, reference 54, col. 6 line 5) comprising providing said access point (figure 2, reference 54) with operating according to a second wireless data communications protocol (figure 2, col. 5 lines 64-65), and conducting communications with said access point (figure 3, reference 54b) using said second wireless data communications protocol (figure 3, col. 6 lines 65-66).

Shoobridge et al do not expressly disclose conducting out of band management communications. In an analogous art, Berliner et al. disclose conducting out of band management communications (figure 3B, col. 8 lines 31-65, base station 100 conducting out of band management communication means). Berliner et al. disclose a radio module (figure 313, reference 103-2, col. 8 lines 62-65). Berliner et al disclose further conducting management communications comprises at least one of configuring one or more resources of said access point and adjusting one or more parameters of said access point (col. 8 lines 32-43 as set forth in claim 2); wherein conducting management communications comprises at least one of updating system information of said access point, modifying system programming of said access point, and modifying communications parameters of said access point (col. 8 lines 32-43 as set forth in claim 18); monitoring the data communications using said second wireless data communications protocol (figure 3B, reference 103-2, col. 8 lines 54-65 as set forth in claim 19).

One skilled in the art would have recognized conducting out of band management communications to use the teachings of Berliner et al in the system of Shoobridge et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the conducting out of band management communications as taught by Berliner et al. in Shoobridge et al.'s system with the motivation being to provide RF transceiver 103-1 may handle telephone communications and RF transceiver 103-2 may handle distance measurement RF transmissions (col. 8 lines 61-65).

For claim 3, Shoobridge et al. disclose wherein said first protocol is 802.11 Protocol (col. 7 lines 1-3) and said second wireless communications protocol is Bluetooth (col. 6 lines 65-66).

For claim 5, Shoobridge et al. disclose wherein said second wireless communications protocol is Bluetooth (col. 6 lines 65-66).

5. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoobridge et al. (US 6,326,926) in view of Berliner et al. (US 6,731,908) further in view of Niimi et al. (US 5,996,028).

For claims 4 and 7, Shoobridge et al. in view of Berliner et al. do not disclose wherein said conducting management communications includes authenticating said communications. In an analogous art, Niimi et al. disclose wherein said conducting management communications includes authenticating said communications (col. 1 lines 29-32). Niimi et al. disclose wherein said conducting management communications includes authenticating said communications (col. 1 lines 29-32 as set forth in claim 7).

One skilled in the art would have recognized wherein said conducting management communications includes authenticating said communications to use the teachings of Niimi et al. in the system of Shoobridge et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein said conducting management communications includes authenticating said communications as taught by Niimi et al. in Shoobridge et al.'s system with the motivation being to provide radio communication apparatus have detachable memories in which private information is stored (col. 1 lines 26-27).

For claim 6, Berliner et al. in view of Shoobridge et al. and Naeini et al. and Niimi et al. disclose wherein said conducting management communications includes associating said radio module as a slave unit (col. 8 lines 61-65).

6. Claims 8-10, 12-14, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al. (US 6,731,908).

For claim 8, Berliner et al. disclose distance measurement using half-duplex RF techniques, comprising:

a first interface (figure 3B, reference 101) for conducting data communications with one or more computers (col. 8 lines 1-5);

a first radio module (figure 3B, reference 103-1) using a first protocol for transmitting wireless data messages received at said first interface and for receiving and relaying data messages via said first interface (col. 8 lines 14-15 and col. 8 lines 52-54);

at least one processor (figure 3B, reference 102) connected to said first interface (figure 3B, reference 101) and said radio module (figure 3B, reference 103-1) for controlling said access point (figure 3B, reference 100) (col. 8 lines 8-9 and col. 8 lines 57-59); and

a second radio module (figure 3B, reference 103-2) operating using a second wireless communications protocol, different from said first protocol (figure 3B, reference 102) (col. 8 lines 57-59 and col. 8 lines 62-65).

However, Berliner et al. do not expressly disclose providing wireless management communications. To include providing wireless management communications would have been obvious to one of ordinary skill in the art because Berliner et al disclose at col. 8 lines 38-43, that "the base station may transmit and receive communications signals with a cellular station, a satellite, or other network switching infrastructure. In addition, the processor 102 and transceiver 103 may be used to handle other communications protocol(s), such as Bluetooth, for example."

For claim 9, Berliner et al. disclose wherein said second radio module is arranged to operate as a slave module using a master slave protocol (col. 8 lines 61-65).

For claim 10, Berliner et al. disclose wherein said second radio module is arranged to operate as a slave module using the Bluetooth protocol (col. 8 lines 61-65).

For claim 12, Berliner et al. disclose distance measurement using half-duplex RF techniques, comprising:

an interface (figure 3B, reference 101); and

a processor (figure 3B, reference 102) communicatively coupled to the interface (figure 3B, reference 101), the processor adapted to:

allow data communications with one or more remote devices over a first communications protocol (figure 3B, reference 103-1, col. 8 lines 52-54); and

allow access to over a second communications protocol, wherein the second communications protocol is a wireless protocol and is different from the first communications protocol (figure 3B, reference 103-2, col. 8 lines 54-65).

However, Berliner et al. do not expressly disclose one or more management features of the apparatus. To include one or more management features of the apparatus would have been obvious to one of ordinary skill in the art because Berliner et al disclose at col. 8 lines 38-43, that "the base station may transmit and receive communications signals with a cellular station, a satellite, or other network switching infrastructure. In addition, the processor 102 and transceiver 103 may be used to handle other communications protocol(s), such as Bluetooth, for example."

For claim 13, Berliner et al. disclose wherein the processor is adapted to allow the data communications through a first radio module (figure 3B, reference 103-1, col. 8 lines 52-54) and to allow to the management features through a second radio module (figure 3B, reference 103-2, col. 8 lines 54-65).

For claim 14, Berliner et al. disclose wherein said second radio module operated as a slave unit during a portion of the time the access to the management features is allowed (col. 8 lines 61-65).



For claim 17, Berliner et al. disclose wherein the processor is further adapted to allow monitoring of the data communications over the second communications protocol (figure 3B, reference 103-2, col. 8 lines 54-65).

For claim 20, Berliner et al. disclose wherein the processor is further allows monitoring the data communications using said second wireless data communications protocol (figure 3B, reference 103-2, col. 8 lines 54-65).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al. (US 6,731,908) in view of Smeets (US 6,633,979).

For claim 11, Berliner et al. do not disclose wherein said processor is further arranged to authenticate communications via said second radio module. In an analogous art, Smeets discloses wherein said processor is further arranged to authenticate communications via said second radio module (col. 5 lines 6-10).

One skilled in the art would have recognized wherein said processor is further arranged to authenticate communications via said second radio module to use the teachings of Smeets in the system of Berliner et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein said processor is further arranged to authenticate communications via said second radio module as taught by Smeets in Berliner et al.'s system with the motivation being to produce a COF 50 value that each of the nodes remembers (col. 5 line 1-3).

8. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al (US 6,731,908) in view of Niimi et al (US 5,996,028).

For claim 15, Berliner et al. do not disclose wherein the processor is further adapted to authenticate communications associated with the access of the management features. In an analogous art, Niimi et al disclose wherein the processor is further adapted to authenticate communications associated with the access of the management features (col. 1 lines 29-32).

One skilled in the art would have recognized wherein the processor is further adapted to authenticate communications associated with the access of the management features to use the teachings of Niimi et al in the system of Berliner et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein the processor is further adapted to authenticate communications associated with the access of the management features as taught by Niimi et al in Berliner et al's system with the motivation being to provide radio communication apparatus have detachable memories in which private information is stored (col. 1 lines 26-27).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner et al. (US 6,731,908) in view of Shoobridge et al. (US 6,326,926).

For claim 16, Berliner et al. do not expressly disclose wherein the first protocol is 802.11 protocol and the second wireless communications protocol is Bluetooth protocol. In an analogous art, Shoobridge et al disclose wherein the first protocol is 802.11 protocol (col. 7 lines 1-3) and the second wireless communications protocol is Bluetooth protocol (col. 6 lines 65-66).

One skilled in the art would have recognized the first protocol is 802.11 protocol and the second wireless communications protocol is Bluetooth protocol, and would have applied Shoobridge et al.'s employing the IEEE 802.11 standard and the Bluetooth standard in Berliner et al.'s base station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Shoobridge et al.'s method of operating a wireless and a short-range wireless connection in the same frequency in Berliner et al.'s distance measurement using half-duplex RF techniques with the motivation being to employ the IEEE 802.11 standard and the Bluetooth standard (col. 6 lines 60-61).

### ***Response to Arguments***

10. Applicant's arguments filed on 09/13/05 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Berliner et al. teaches at col. 8 lines 59-65 (Figure 3B) "In accordance with FIG. 3B, the base station 100 (access point means) may be, for example, a mobile telephone. RF transceiver 103-1 may handle telephone communications and RF transceiver 103-2 may handle

distance measurement RF transmissions and possibly other communications, such as Bluetooth communications.”

The applicant argues with respect to claims 1-3, 5 and 19, that Berliner does not teach conducting management communications with the access point. The examiner disagrees. Applicant’s attention is directed to Berliner patent at col. 8 lines 31-43, where Berliner clearly teaches “In addition to calculating the distance, for example, as described below, the processor and the transceiver 103 (located in base station or access point) may operate to communicate according to one or more communication protocols (conducting management communications with the access point means) using the same or different frequencies than used for distance measurement. For example, if the base station 100 (access point means) were a mobile telephone, the processor 102 and transceiver 103 may be used to handle mobile telephone communications (a first protocol means). For example, the base station (access point means) may transmit and receive communication signals with a cellular station, a satellite, or other network switching infrastructure. In addition, the processor 102 and transceiver 103 may be used to handle other communications protocol(s), such as Bluetooth (a second wireless communication protocol means), for example.” Therefore, Berliner does teach conducting management communications with the access point.

The applicant argues with respect to claims 8 and 12, that the examiner fails to provide any other reference to substantiate 103 rejection. Because the Office cites no references to support this “obviousness” assertion, the applicant infers that the examiner make this assertion based on personal knowledge. The examiner disagrees.

Berliner reference does not expressly disclose “providing wireless management communications” in the same words or language claimed as recited in the claims, but Berline does teach providing wireless management communications means as the examiner already pointed out from the argument above.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

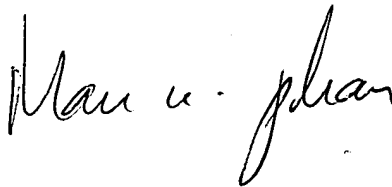
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**MAN U. PHAN  
PRIMARY EXAMINER**